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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,566	02/19/2002	Yumiko Seki	500.41209X00	1290

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
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SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/076,566

Applicant(s)

SEKI ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Remarks**

1. The Amendment filed on October 28, 2004 has been received and entered. Claims 9-12 have been newly added Therefore, claim 1-12 are now pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In dependent claims 1, 10, and 12, in numerous lines provides for the use of “for”, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

The use of “for” in the claim terminology is considered intended use and not an actual step of the claimed process because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Moetteli (U.S. Pub. No. 2002/0091836 A1).

As to claims 1, and 8, Moetteli discloses a retrieval device in a system having computers and databases connected to one another, comprising:

a retrieval reservation registering portion for registering retrieval requests issued by users (See Moetteli page 3, paragraph 0041);

a duplicate integrating portion for combining duplicates requested in differing said retrieval requests in accordance with pre-stored rules to generate an integrated retrieval requests to lessen g number of retrieval request (See Moetteli page 7, paragraphs 0069-0071);

a retrieval device portion for retrieving information from the databases on the basis of contents of said integrated retrieval request integration said retrieval requests to obtain retrieval results (See Moetteli page 13, paragraph 0118, also see Moetteli page 6, paragraphs 0060-0062); and

an output creating portion for creating, on the basis of the retrieval requests issued by the users and said retrieval results, retrieval results data to be sent to said users when information is

retrieved from said databases (See Moetteli page 7, paragraph 0065, also see Moetteli page 6, paragraph 0060).

As to claim 2, Moetteli discloses wherein in said retrieval reservation registering portion, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to integrate retrieval conditions (See Moetteli page 7, paragraphs 0069-0070).

As to claim 3, Moetteli discloses wherein said retrieval device portion edits said retrieval results data in a predetermined format by user by checking duplicates of the retrieval requests issued by users respectively and sends said edited retrieval results data to said users respectively on the basis of retrieval conditions desired by said users, said retrieval results data being acquired on the basis of said integrated retrieval conditions (See Moetteli page 5, paragraph 0056).

As to claim 4, Moetteli discloses wherein upon editing of said retrieval results by user, said retrieval device portion eliminates duplicates from said retrieval results desired by each of said users and integrates said retrieval results by each of said users when there are said duplicates in contents of said retrieval results, so that said retrieval device portion sends edited said retrieval results data to said user (See Moetteli page 7, paragraphs 0068-0069).

As to claim 5, Moetteli discloses comprising a method in which at least one previously retrieved result is held in said retrieval reservation registration registering portion, so that, when a user issues a retrieval request, said user selects on a basis of information freshness desired by

the user to acquire a retrieval result from said held at least one previously retrieved result retrieved among a predetermined time interval or to execute new retrieval from original data (See Moetteli page 12, paragraph 0110, also see Moetteli page 12, paragraph 0115).

As to claim 6, Moetteli discloses wherein when there are duplicates in retrieval requests among users and said retrieval requests are integrated to thereby acquire said retrieval results, said retrieval device portion, makes on the basis of retrieval, copies of said retrieval result, integrates duplicates in said retrieval results by each of the users, and sends thus modified said retrieval results to said respective users issuing said requests for said retrieval results data (See Moetteli page 12, paragraph 0110, also see Moetteli pages 7-8, paragraphs 0071-0072).

As to claim 7, Moetteli discloses wherein said retrieval device portion acquires or sends retrieval results in accordance with said retrieval requests at predetermined intervals of time on the basis of predetermined information freshness (See Moetteli page 12, paragraphs 0112-0115).

As to claims 8-12, Moetteli discloses a retrieval method in a system having computers and databases connected to one another, comprising:

registering retrieval requests issued by users (See Moetteli page 3, paragraph 0041);

integrating said retrieval requests by eliminating duplicates in said retrieval requests (See Moetteli page 7, paragraphs 0068-0071);

retrieving said databases by using said integrated retrieval requests and acquiring retrieval results (See Moetteli page 18, column 2, lines 11-48);

generating duplicates of retrieval results from said acquired retrieval results (See Moetteli page 7, paragraphs 0067-0068);

editing said duplicates of retrieval results on the basis of said retrieval requests (See Moetteli page 17, paragraph 0163); and

integrating said duplicates of retrieval results by eliminating duplicates from said retrieval results to be sent to each of said users on the basis of similarity between contents of said retrieval results (See Moetteli page 7, paragraphs 0069-0070).

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Livowsky (U.S. Patent No. 6,598,039 B1) teaches comparative analysis of successive search requests from other users.

Snodgrass et al. (U.S. Patent No. 6,442,543 B1) teaches updating database information by time intervals and eliminating duplicate query results.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Neveen Abel-Jalil  
March 18, 2005



**SAM RIMELL**  
**PRIMARY EXAMINER**